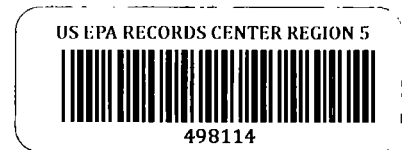




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

6/2/94
E.1



REPLY TO THE ATTENTION OF:

June 2, 1994

CS-3T

via Telecopier and Certified Mail

Risa H. Weinstock, Esq.
Philips Electronics
North American Corporation
100 East 42nd Street
New York, NY 10017-5699

Thomas Burzycki
The Selmer Company
c/o James V. Woodsmall, Esq.
Warrick, Weaver & Boyn
121 W. Franklin Street, #400
Elkhart, IN 46516

John C. Bender
MacMillan, Inc.
c/o Craig Zimmerman, Esq.
McDermott, Will & Emery
227 W. Monroe Street
Chicago, IL 60606-5096

Scott Dennis
WW Engineering & Science
5555 Glenwood Hills Parkway SE
P.O. Box 874
Grand Rapids, MI 49588-0874

Re: U.S. v. The Selmer Company et al.

Dear Ms. Weinstock, Mr. Woodsmall, Mr. Zimmerman and Mr. Dennis:

I am writing in response to Mr. Dennis' letter to me dated May 13, 1994 in which Mr. Dennis requests an additional extension to comply with the terms of Paragraph V.B.9 of the Consent Decree in the above-entitled action. Please be assured that the United States Environmental Protection Agency ("U.S. EPA") is pleased with the recent progress made by The Selmer Company, Philips Electronics North American Corporation, and MacMillan, Inc. (the "Defendants") in connection with the work required of the Defendants under the above mentioned Consent Decree. However, for the reasons stated below the Defendants' request for an extension to comply with Paragraph V.B.9 must be denied.

First, according to Mr. Dennis' letter, there is no indication that permit applications were submitted, or that access agreements were solicited from homeowners, prior to April of this year. The Consent Decree in the above entitled action was entered September 23, 1993. The Defendants had ample opportunity, prior to their initial request for an extension, to seek and obtain the requisite permits in advance of the deadline provided by the extension granted in my letter of April 14, 1994.

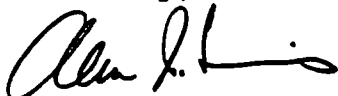
Furthermore, by granting an additional extension to comply with Paragraph V.B.9 of the Consent Decree, U.S. EPA would be agreeing

to waive the accrual of any stipulated penalties that would otherwise accrue pursuant to the terms of the Consent Decree. Barring any further indication of unforeseeable or uncontrollable delay that would rise to the level of Force Majeure, as that term is used in the Consent Decree, U.S. EPA cannot justify on the present record granting an additional extension to Defendants.

Defendants should proceed with all deliberate haste to complete the work required of them under the Consent Decree as soon as practicable. U.S. EPA is considering its enforcement options.

Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan I. Lewis".

Alan I. Lewis
Law Clerk

cc: Kenneth Theisen, - U.S. EPA
Elizabeth Murphy, Esq. - U.S. EPA
Frank Bentkover, Esq. - DOJ